

**CARMEL CITY CODE**  
**CHAPTER 10: ZONING & SUBDIVISIONS**  
**ARTICLE 1: ZONING CODE**

**CARMEL ZONING ORDINANCE**

**CHAPTER 23C: US HIGHWAY 421 – MICHIGAN ROAD CORRIDOR OVERLAY ZONE**

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**23C.00      U.S. Highway 421 - Michigan Road Corridor Overlay Zone.<sup>1</sup>**

23C.00.01      Purpose, Intent and Authority. It is the purpose of the U.S. Highway 421 - Michigan Road Corridor Overlay Zone (referred to in this *Chapter 23C* as the “Overlay Zone”) to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering U.S. Highway 421 (also known as Michigan Road) in Clay Township, Hamilton County, Indiana. The Commission and Council, in establishing this zone, are relying on IC 36-7-4-600 *et seq.* and IC 36-7-4-1400 *et seq.*

It is recognized that U.S. Highway 421 is an important corridor to Carmel and to Clay Township. Therefore, it is the further purpose of the Overlay Zone to promote coordinated, quality development per the Land Use recommendations set forth in the Comprehensive Plan; to establish basic standards for structures, landscaping, and other improvements on the properties within the Overlay Zone which promote high quality, innovative site design and at the same time encourage efficient land usage; to establish development standards which will encourage capital investments for the development of those properties along and abutting U.S. Highway 421; and to promote the steady flow of traffic.

This Ordinance further seeks to foster development that will provide this district with a special sense of place that will increase property values, protect real estate investment, spur commercial activity, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping and signage. These principles are intended to guide individual

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<sup>1</sup> Section 23C.00 amended per Ordinance No. Z-453-04, §do-dp.

development activities so that they will work together visually in support of the common architectural theme described below.

**23C.00.02      Plan Commission Approval.**

- A. Development Plan. The Commission shall review the Development Plan (DP) of any proposed use of any Lot or parcel of ground within the U.S. Highway 421 Overlay Zone prior to the issuance of an Improvement Location Permit by the Department. See *Section 24.02: Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage. To insure the compatibility of the proposed use with adjoining areas, the Commission shall review the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) application of any proposed use of any Lot or parcel of ground within the U.S. Highway 421 Overlay Zone prior to the issuance of an Improvement Location Permit by the Department. See *Section 24.03: Architectural Design, Exterior Lighting, Landscaping and Signage.*

**23C.00.99      Application Procedure.**

- A. Development Plan. See *Section 24.99(A): Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See *Section 24.99(B): Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

**23C.01      District Boundaries.**

The boundaries of the Overlay Zone are hereby established as shown on the Zoning Map. The boundaries extend four hundred (400) feet on either side of the U.S. Highway 421 right-of-way, include the North Augusta subdivision in its entirety, including both that real estate described as Block “A” and the cemetery on the plat of Section 1 recorded September 2, 1947. The portion of the Overlay Zone east of Michigan Road does not extend north of the parcel numbered 17-13-06-00-00-034 and any lot subdivided therefrom after September 1, 1997.

**23C.02      Commission Approval<sup>2</sup>**

- A. Development Plan. The Commission must approve, approve with conditions, or disapprove the Development Plan (DP) for any tract of land in the Overlay Zone. The Commission shall hold a public hearing before it decides whether to approve or disapprove a DP. The Commission, in reviewing DP applications, shall examine factors concerning the site, Site Plan and the surrounding area, which include but are not limited to the following items:
  - 1. Topography;
  - 2. Zoning on site;
  - 3. Surrounding zoning and existing land use;
  - 4. Streets, curbs and gutters, bicycle paths, and sidewalks;
  - 5. Access to public streets;
  - 6. Driveway and curb cut locations in relation to other sites;
  - 7. General vehicular and pedestrian traffic;

<sup>2</sup> Section 23C.02 amended per Ordinance No. Z-453-04, §dq.

8. Parking facilities and internal site circulation;
9. Special and general easements for public or private use;
10. On-site and off-site surface and subsurface storm and water drainage, including drainage calculations;
11. On-site and off-site utilities;
12. The means and impact of sanitary sewage disposal and water supply techniques;
13. Dedication of streets and rights-of-way;
14. Provision for adequate and acceptable setbacks, screening, and compatibility with existing, platted residential uses;
15. Storage area;
16. Protective restrictions and/or covenants;
17. Effects any proposed project may have on the entire Overlay Zone; and,
18. Consistency with the policies for the Overlay Zone which are set forth in the Comprehensive Plan.

If a Parent Tract is located both inside and outside of the U.S. Highway 421 - Michigan Road Corridor Overlay Zone, Development Plan and ADLS approvals are required for the entire Parent Tract.

- B. Existing Features & Site Analysis Plan. Every applicant shall submit an Existing Features and Site Analysis Plan showing all hedgerows, woodlands, individual trees greater than six (6) inches in diameter (dbh), structures, drainage patterns and structures (including tile fields), wetlands, floodplains, and all buildings. This plan shall show topography at two-foot (2') contour intervals and shall be prepared at a scale of not less than one inch equals one hundred feet (1" = 100').
- C. ADLS Requirement. Commission review and approval of the architectural design, landscaping, parking, signage, lighting and access to the property (ADLS) shall be necessary prior to:
  1. the establishment of any use of land;
  2. the issuance of any Improvement Location Permit;
  3. the erection, reconstruction or external architectural alteration of any building in the Overlay Zone; or,
  4. the changing of any site improvements.
- D. Exception. Existing residential structures and residential lots platted prior to April 21, 1980, when used for residential purposes, are exempt from the requirements contained within this Section.

### **23C.03 Permitted Uses.<sup>3</sup>**

- A. All uses which are permitted in a given site's underlying primary zoning districts, except those uses expressly excluded in *Appendix A: Schedule of Uses*, are permitted in the Overlay Zone.
- B. Retail uses are permitted; however, it shall not comprise more than seventy-five percent (75%) of a project's gross floor area on parcels in the B-3/Business District located north of 106<sup>th</sup> Street.

<sup>3</sup> Section 23C.03 amended per Ordinance No. Z-415-03, §by; Z-490-06, §a.

- C. Residential uses are permitted; however, it shall not comprise more than fifty percent (50%) of a project's gross floor area on parcels where residential is not permitted in the underlying zoning district.

#### **23C.04      Special Uses.<sup>4</sup>**

All Special Uses which are permitted (upon obtaining a Special Use approval from the Board) in the underlying primary zoning district(s), except the uses expressly excluded in *Appendix A: Schedule of Uses*, are permitted in the Overlay Zone.

#### **23C.05      Excluded Uses.<sup>5</sup>**

See *Appendix A: Schedule of Uses*.

#### **23C.06      Accessory Buildings and Uses.**

All accessory buildings and uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any detached accessory building in any DP shall be architecturally compatible with the principal building(s) with which it is associated.

#### **23C.07      Minimum Tract Size.**

The minimum area covered by a DP within the Overlay Zone must be 130,680 square feet (3 acres). For tracts located only partially within the Overlay Zone, a DP shall be submitted to the Commission for the entire tract to be developed.

If a parcel of land or subdivision lot was recorded prior to September 7, 1988 (the "Effective Date"), and said parcel or lot does not contain the minimum area required by this Paragraph, said parcel or lot ("Undersized Lot") may be used for any use permitted in the Overlay Zone provided that:

- A. At the time of recordation of the Undersized Lot or on the Effective Date, the Undersized Lot met the requirements for minimum lot size then in effect for a lot in the underlying primary zoning district(s);
- B. The owner of the Undersized Lot must include, up to the minimum tract size, any adjoining vacant land (not separated by a street or public way) owned, or owned by an affiliate, on or before the Effective Date or at the time of application which, if combined with the Undersized Lot, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this Paragraph; and
- C. All other development requirements applicable to the Overlay Zone can be met.

This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a DP for the entire tract. However, the development of the parcel must still conform to the DP for the entire tract as approved or amended by the Commission, and all other applicable requirements contained in the Zoning Ordinance.

<sup>4</sup> Section 23C.04 amended per Ordinance No. Z-415-03, §bz.

<sup>5</sup> Section 23C.05 amended per Ordinance No. Z-415-03, §ca.

**23C.08      Height and Area Requirements.<sup>6</sup>**

- 23C.08.01      Building Height:
- A.      Minimum: See *Section 23C.09 (C)*.
  - B.      Maximum: As specified in primary underlying zoning district.
- 23C.08.02      Front Yard for Parcels with Frontage on U.S. 421 Right-of-way:
- A.      Minimum: Thirty (30) feet, measured from the U.S. Highway 421 right-of-way. This measurement shall include the mandatory thirty-foot (30') Greenbelt.
  - B.      Maximum: One hundred twenty (120) feet, measured from the U.S. Highway 421 right-of-way. This measurement shall include the mandatory thirty-foot (30') Greenbelt.
- 23C.08.03      Minimum Side and Rear Yards:
- A.      Next to existing residence(s) or undeveloped residential zone: Fifty (50) feet or two (2) times building height, whichever is greater.
  - B.      Next to business zone or development: Fifteen (15) feet.
  - C.      Next to manufacturing zone or development: twenty (20) feet.
- 23C.08.04      Minimum Gross Floor Area: Each lot or parcel shall contain at least one principal building with a minimum of two thousand five hundred (2,500) square feet of gross floor area, excluding the floor area of any basement or any accessory buildings. Accessory buildings need not meet the minimum floor area requirement.
- 23C.08.05      Maximum Gross Floor Area: All free-standing commercial buildings located north of 106<sup>th</sup> Street shall have a maximum of eighty-five thousand (85,000) square feet of gross floor area, excluding the floor area of any basement or any accessory buildings.

**23C.09      Architectural Design Requirements.**

In reviewing the architectural design of building(s) proposed to be built in the Overlay Zone, factors to be considered by the Commission shall include but are not limited to the following:

- A.      Design Theme: Buildings shall be designed with an overall Corridor Architectural Theme consistent with or complementary to the Federal, Georgian, Italianate, or Greek Revival Periods. New buildings are not required to be imitative, but must incorporate the salient features of these architectural styles. Pre-existing buildings on adjoining tracts shall not be a factor in the design of new buildings unless they are consistent with the architectural objectives of the Overlay Zone.
- B.      Building Proportion: Buildings within the Overlay Zone shall be designed as a composition of related forms governed by the application of the Golden Section (1:1.6). Buildings should generally avoid long, monotonous, uninterrupted walls or roof planes. The design and placement of building façades, doors, windows, and architectural design details shall be through use of Regulating Lines.
- C.      Building Height: The height of new principal buildings shall be at least one and one-half (1½) stories, or be designed to appear so from the front and sides. Retail and office buildings are encouraged to be two (2) stories or more in height, with office or residential uses on the second floor. The minimum height for all buildings shall be twenty (20) feet, either at the roofline or at the top of the parapet wall.

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<sup>6</sup> Section 23C.08 amended per Ordinance No. Z-490-06, §b-c.

- D. Building Façades. Façades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style. Buildings with continuous façades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight (8) feet deep, and at intervals of not greater than sixty (60) feet.

Façades constructed of more than one material shall only change material along a horizontal line (not a vertical or diagonal line). The heavier material shall always be placed beneath the lighter material. Front and side façades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.

- E. Roofs. Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Shed roofs are permitted only when the ridge is attached to an exterior wall of a building, and shall conform to pitch between 14:12 and 4:12. Flat roofs are permitted when consistent with the historic style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining residential zones or uses.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Asphalt shingles shall be colored to resemble gray slate; standing-seam panels may be either gray, black, dark blue, dark green or barn red.

Dormers shall be designed with the correct details, proportion and style consistent with the overall building composition, and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas are permitted if appropriate to the style, well proportioned, and fully detailed.

All vents, attic ventilators, turbines, flues and others roof penetrations must be painted to match the color of the roof or flat black, except those made of metal which may be left natural. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

- F. Entrances. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole. The location, orientation, proportion and style of doors must faithfully reflect the chosen style of the building.

Building façades for industrial and warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

- G. Windows. All window design shall be compatible with the style, materials, color, details and proportion of the building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

- H. Awnings. Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Metal or aluminum awnings are prohibited.

- I. Storefronts. Storefronts shall be integrally designed with overall façade character. Ground floor retail, service and restaurant uses should generally have large pane display windows, however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) façade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signage and lighting consistent with the overall building style.

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- J. Drive-thru windows. Drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building.
- K. Suitability of building materials. Unless otherwise approved by the Commission, building materials shall be consistent with and/or complementary to those which replicate Federal, Georgian, Italianate and Greek Revival Periods of American architecture, as follows:
1. Exposed foundation shall be constructed of one or more of the following:
    - a. Red brick;
    - b. Stone (limestone, granite, fieldstone, *etc.*);
    - c. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.
  2. Façade walls shall be constructed of any combination of:
    - a. Red brick or stone;
    - b. Smooth cut cedar shingles;
    - c. Wood clapboard siding;
    - d. Wood beaded siding;
    - e. Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window façade area.
  3. Warehouse facilities, including self-storage and mini-warehouse uses, shall have a high-quality façade treatment on all sides visible from U.S. Highway 421 consistent with the following:
    - a. Red brick façades trimmed with split-faced aggregate block (of a color and texture resembling Indiana limestone), provided that it also includes red brick accents (such as windowsills, lintels above windows and doorways, building corners, parapet coping, *etc.*).
    - b. Split-face aggregate block (of a color and texture resembling Indiana limestone) provided that it also incorporates red brick accents.
    - c. Pre-cast concrete wall panels of a color and texture resembling either red brick or Indiana limestone, provided the building design also incorporates architecturally appropriate details of contrasting color and material, as noted previously in *Subparagraphs K(1) and K(2)*.
- L. Design in relation to topography of the site;
- M. Design of proposed landscaping in relation to structures; and
- N. Overall aesthetics of the proposed building, including color.

## 23C.10 Landscaping Requirements.

- 23C.10.01 Landscaping Plan. The applicant shall submit a Landscaping Plan to the Commission as part of the ADLS application. This plan shall be drawn to scale, including dimensions and distances; shall delineate all existing and proposed structures, private parking areas, walks, ramps for the handicapped, terraces, driveways, signs, lighting standards, steps, storm water facilities and other similar structures; and shall delineate the location, size and description of all landscape material and the method to be used for the watering or irrigation of all planting areas. Landscape

treatment for plazas, roads, paths, service and private parking areas and storm water areas shall be designed as an integral and coordinated part of the Landscaping Plan for the entire site. The Landscaping Plan shall require the approval of the Commission.

23C.10.02 Areas to be Landscaped:

1. Greenbelt. The thirty (30) foot Greenbelt shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no parking lots, through roads, buildings, accessory structures, *etc.* shall be established within this area.
2. Foundation Plantings. Foundation plantings shall be included along all sides of any building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a parking area located in the front yard adjoining U.S. 421, the minimum width shall be ten (10) feet.
3. Peripheral Plantings. Minimum side and rear yard landscaping shall occur per the Commission's Bufferyard Guidelines.
4. Parking Lots. Per standards specified below in *Section 23C.10.03*.
5. Screening Areas. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the U.S. Highway 421 right-of-way and adjoining residential zones or uses using walls, fencing, parapets, penthouse screens, landscaping, camouflage, or other approved method.

23C.10.03 Landscaping Standards

1. The interior dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:
  - a. Canopy Trees: Nine (9) feet;
  - b. Ornamental Trees: Seven (7) feet;
  - c. Shrubs (only): Five (5) feet.
2. All plant material proposed to be used in accordance with any Landscaping Plan shall meet the following specifications:
  - a. Shade trees: a minimum trunk diameter of two and one-half (2½) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.
  - b. Ornamental trees: a minimum trunk diameter of one and one-half (1½) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.
  - c. Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three-fifths (3/5) of the height.
  - d. Deciduous shrubs: a minimum height of eighteen (18) inches, no less than six (6) main branches upon planting, and a mature height no greater than thirty-six (36) inches.
  - e. Evergreen shrubs: a minimum height and spread of eighteen (18) inches, maximum mature height of thirty-six (36) inches.



3. Greenbelt. The primary landscaping materials used in the Greenbelt shall be shade trees, ornamental trees, shrubs, ground covers, grass, *etc.*
  - a. A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per 100 linear feet of Greenbelt.
  - b. Shade trees planted within the Greenbelt parallel to the U.S. Highway 421 right-of-way shall be spaced neither less than fifteen (15) feet apart nor more than forty (40) feet apart.
4. Foundation Plantings. The primary landscaping materials used adjacent to buildings shall be shrubs, ground covers, and ornamental grasses.
5. Parking Lots.
  - a. Interior Landscaping. A minimum of one (1) shade tree and five (5) shrubs shall be planted within each parking lot for every nine (9) spaces provided, or not less than eighteen (18) trees per acre of parking.  
  
However, for buildings with parking areas located in a front yard, with frontage directly on U.S. 421, a minimum of one (1) shade tree and five (5) shrubs shall be planted within each parking lot for every six (6) spaces provided, or not less than twenty-four (24) trees per acre of parking.
  - b. Parking Lot Perimeter Planting. Where parking areas are located in the front yard, with frontage directly on U.S. 421, a six (6) foot wide perimeter planting area shall be provided along the front and sides of those areas.
    - 1) The required planting unit for this area shall include: two (2) shade trees, three (3) ornamental trees, and thirty (30) shrubs per 100 linear feet.
    - 2) The perimeter planting area shall be provided in addition to the Greenbelt area.
  - c. Front and Side Parking. Parking areas within front and side yards shall be completely screened from view. Such screening shall be subject to Commission approval.

23C.10.04 Landscaping Installation and Maintenance

1. Installation. All landscaping approved as part of the Landscaping and/or Development Plan shall be installed prior to the issuance of a Certificate of Occupancy by the Department. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Final Certificate of Occupancy for an amount equal to the total cost of the required landscaping.
2. Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the Landscaping and Development Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.
3. Changes after Approval. No landscaping which has been approved by the Commission may later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director in order to conform to specific site conditions.

4. Inspection. The Director may visit any tract within the Overlay Zone to inspect the landscaping and check it against the approved plan on file.

### **23C.11 Parking Requirements.**

- A. Spaces required: see *Chapter 27: Additional Parking & Loading Regulations* of the Zoning Ordinance.
- B. Space dimensions: 9'0" x 20'0" or 10'0" x 18'0", including 2'0" for bumper overhang where appropriate.
- C. Landscaping standards: see *Section 23C.10.03*.
- D. Parking lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the Overlay Zone, preferably via a frontage road network. Sites utilizing front-loaded parking areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. As part of the ADLS submittal, the petitioner shall provide a Site Circulation Plan that illustrates to the Commission how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.
- E. All parking lots and drives shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking lot design. Poured-in-place concrete curbs shall be used.
- F. Parking within front yard setbacks shall be discouraged and limited to a maximum of two (2) rows of parking, subject to minimum Greenbelt width, minimum bufferyard requirements and maximum building setback standards.
- G. Stacking for drive-thru lanes shall be confined to the rear of the tract or parcel with outlet from such lines also being to the rear of the building. Lines for drive-thru facilities shall not be permitted along the front and sides of structures within the Overlay Zone, nor permitted to spill onto adjoining properties. The minimum number of vehicles required for drive-thru lanes shall be as follows:

| USE TYPE                 | MIN NO. SPACES                   | MEASURED FROM      |
|--------------------------|----------------------------------|--------------------|
| Bank teller lane         | 5                                | Teller or Window   |
| Automated Teller Machine | 3                                | Teller             |
| Restaurant Drive-thru    | 10                               | Pick-up Window     |
| Car Wash                 | 5                                | Entrance           |
| Gas Pump island          | 3                                | End of pump island |
| Other                    | To be determined by the Director |                    |

### **23C.12 Lighting Requirements.**

- A. Lighting Plan. A Lighting Plan for the proposed development shall be filed as part of the ADLS application.
- B. Design. All lighting standards, including those on buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot and streetlights shall also be of uniform height not to exceed twenty-four (24) feet. Poles for such lights shall have a minimum diameter of six (6) inches for poles up to twelve (12) feet in height and a minimum of eight (8) inches diameter for poles between twelve (12) and twenty-four (24) feet in

height. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a “down lighting” type with the light element completely shielded on all sides and top. The Commission may approve decorative lighting should it be more appropriate to the overall site design.

- C. Intensity. Lighting shall not cause illumination beyond any residential lot line or road right-of-way line in excess of 0.1 footcandle of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of 0.3 footcandle of light.

### **23C.13      Access to Individual Tracts.**

The purpose of this Section is to make the closing of all curb cuts along U.S. Highway 421 possible by establishing a common access road to the rear parking lots of all tracts within the Overlay Zone. Frontage roads and common entrances shared by several businesses and developments shall be encouraged and may be required at the discretion of the Commission. In those cases where tracts can be accessed via connection to an arterial, collector, or adjoining parking lot, curb cuts shall not be established on U.S. Highway 421. The Commission shall encourage maximum distances between curb cuts to U.S. Highway 421 in cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, Greenbelt design, and parking.

### **23C.14      Other Requirements.**

23C.14.01      Outside Storage. Outside storage areas shall be allowed as shown on the DP and shall be architecturally compatible with the principal building(s) with which they are associated. Storage areas shall be completely screened from view and subject to Commission approval. Trash collection areas shall be enclosed and screened.

23C.14.02      Loading Berths. Loading berths and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the DP. Loading berths and overhead doors shall face to the rear of all buildings. Should a loading berth be located adjacent to or visible from a public right-of-way, or established on the side of a building through any circumstance, it shall be screened per Commission approval.

23C.14.03      Emergency Access. All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Carmel Fire Chief.

23C.14.04      Signs. A Sign Plan for the proposed development shall be submitted to the Commission for its approval as part of the ADLS application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the Commission. Should an ADLS-approved Sign Plan be replaced with a new design, the amended Sign Plan must go before the Commission for ADLS review and approval. Individual signs which conform to both the Sign Ordinance and to the approved Sign Plan shall not require further ADLS approval, however, such signs shall require a sign permit.

23C.14.05      Conforming Uses. A DP shall be submitted to the Commission for its approval when a legal non-conforming use is changed to a conforming use and when either:

1. Any new building is to be constructed; or
2. Any existing building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).

23C.14.06      Non-Conforming Uses. A DP shall be submitted to the Commission for its approval when a legal non-conforming use is altered as follows:

1. A building has been more than sixty percent (60%) destroyed.
2. Any expansion of a building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the DP approval requirement.
3. If property or building is vacated for more than one (1) year.

**CHAPTER 23C: U.S. HIGHWAY 421 CORRIDOR OVERLAY ZONE  
AMENDMENT LOG**

| <b>Ordinance No.</b> | <b>Docket No.</b> | <b>Council Approval</b> | <b>Effective Date</b> | <b>Sections Affected</b>                    |
|----------------------|-------------------|-------------------------|-----------------------|---|
| Z-325                |                   |                         |                       |   |
| Z-326                |                   |                         | July 20, 1998         |   |
| Z-415-03             | 39-02 OA          | November 17, 2003       | November 18, 2003     | 23C.03; 23C.04;<br>23C.05<br>Autumn 2003 v1 |
| Z-453-04             | 150-02 OA         | August 16, 2004         | August 16, 2004       | 23C.00; 23C.02;<br>23C.15<br>Summer 2004 v1 |
| Z-490-06             | 0602005 OA        | May 15, 2006            | May 15, 2006          | 23C.03; 23C.08<br>Spring 2006 v1            |
|                      |                   |                         |                       |   |
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